

PRESENT

Commissioner Lynn Bowers
Commissioner Kathy Carter
Commissioner Doug Howard
Commissioner Rodney Williams

Mayor May

(5)

ABSENT

(0)

The meeting was called to order by Mayor May. The Rev. Dr. Robert A. Strode, St. John AME Church, gave the invocation. John Hammond led in reciting the Pledge of Allegiance.

It was moved by Commissioner Bowers, seconded by Commissioner Williams, that the minutes of the March 24, 2008 Regular Meeting; April 14, 2008 Work Session; and April 17, 2008 Work Session be adopted as presented. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Mayor May reported on Arbor Day activities, including Frankfort's receiving a Tree City USA award for the eleventh year.

Ray Bascum and Chris Stewart of HMB Engineers presented to the city two Engineering Excellence Awards for Public Works Projects in the Holmes Street area.

Following discussion, "AN ORDINANCE TO PERMIT THE SOLICITATION OF CHARITABLE DONATIONS ON PUBLIC STREETS OR WAYS" was presented and read. This Ordinance had its first reading on April 17, 2008. It was moved by Commissioner Carter, seconded by Commissioner Howard, that the Ordinance be adopted. Discussion followed. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Carter and Howard, and Mayor May (3). Voting against the motion were Commissioners Bowers and Williams (2). The motion was thereupon adopted (Ordinance No. 8, 2008 Series).

"AN ORDINANCE AMENDING THE CITY OF FRANKFORT CODE OF ORDINANCES, CHAPTER 151 – SUBDIVISION AND DEVELOPMENT PLAN REGULATIONS - ORDINANCE NO. 41, 2007 SERIES, ORDINANCE NO. 26, 2007 SERIES, ORDINANCE NO. 20, 2006 SERIES, ORDINANCE NO. 23, 2005 SERIES, AND ORDINANCE NO. 3, 2004 SERIES, SPECIFICALLY TO AMEND SECTION 7.02.03.A.1. TECHNICAL REVIEW TEAM AND SECTION 7.02.04 CONSTRUCTION REVIEW TEAM AS INDICATED IN THE ATTACHMENT OF THIS ORDINANCE" was presented and read.

"AN ORDINANCE AMENDING THE CITY OF FRANKFORT CODE OF ORDINANCES, CHAPTER 151 – SUBDIVISION AND DEVELOPMENT PLAN REGULATIONS - ORDINANCE NO. 41, 2007 SERIES, ORDINANCE NO. 26, 2007 SERIES, ORDINANCE NO. 20, 2006 SERIES, ORDINANCE NO. 23, 2005 SERIES, AND ORDINANCE NO. 3, 2004 SERIES, SPECIFICALLY TO AMEND SECTIONS 2.07.03.C AND 3.07.03.C OF THE FRANKFORT-FRANKLIN COUNTY SUBDIVISION AND DEVELOPMENT PLAN REGULATIONS TO INCREASE THE MAXIMUM HEIGHT OF STREET LIGHTS TO 35' FOR NEW NON-RESIDENTIAL ROADWAYS, AS INDICATED IN THE ATTACHMENT OF THIS ORDINANCE" was presented and read.

"RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS OF \$56,000.00 FOR THE SAFE ROUTES TO SCHOOL PROGRAM AND DESIGNATING THE MAYOR TO EXECUTE ALL DOCUMENTS PERTAINING TO THIS GRANT" was presented. It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Resolution be adopted. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 10, 2008 Series).

It was moved by Commissioner Howard, seconded by Commissioner Carter, that Consent Agenda Item 6.11, approval of bid price and Memorandum of Agreement for demolition of 311 West Third Street, be removed from the Consent Agenda and placed under Old Business. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

The following miscellaneous and personnel items were presented:

- 6.1 Authorized the purchase of five (5) overhead in-car recording systems from Watch Guard Video at the State Price Contract No. 758 0700001925; cost of \$5,068 per system for a total purchase price of \$24,400; \$25,000 is budgeted in Equipment Account No. 100.43.56550 (Police Department);
- 6.2 Authorized declaring four (4) Ford rims as surplus property in order to donate to the Franklin County Sheriff's Office (Police Department);
- 6.3 Authorized advertising for bids from providers of police uniforms and uniform accessories; uniforms and accessories are budgeted in Account No. 100.43.54340 (Police Department);
- 6.4 Authorized a Sewer Extension Contract with Sky Properties, LLC and Houston Properties, LLC, 88 C. Michael Blvd., Suite 2, Frankfort, Kentucky; property is zoned residential development of 120 multi-family units, with improvements including 7 new manholes, 1,092 feet of 8-inch SDR 35 pipe; contract signed by David M. Stockton, Member, Sky Properties, LLC and Houston Properties, LLC; plans and specifications under Kentucky Division of Water review; final acceptance contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.5 Authorized the Mayor to sign a Memorandum of Agreement entitled "Federally Funded Memorandum of Agreement between the Commonwealth of Kentucky Environmental and Public Protection Cabinet Department of Environmental Protection Division of Water and the Farmdale Sanitation District"; Farmdale awarded a \$15,000 grant to pay portion of the 201 Facilities Plan Update for the Farmdale area; City of Frankfort is required to sign the agreement because the Farmdale area is within the Sewer Department 201 Planning Area; \$15,000 grant will offset cost to Farmdale Sanitation District and City of Frankfort (Sewer Department);
- 6.6 Authorized a partial Release of Sewer Easement in an unnecessary location on the property of Hurst Properties, LLC., Lot #1 and Addition of Physicians Park; final sewer design does not require this easement; easement can be released without adverse impact to the Sewer Department (Sewer Department);
- 6.7 Authorized bid award for 65 golf carts to Cunningham Golf Carts of Louisville, Kentucky; bids included trade-in allowance for 65 existing used Club Cars; cost of \$154,515 to be repaid from Transportation Account No. 560.00.51100 to be repaid over a forty-eight month period from Account No. 100.79.53295; funds are currently budgeted and additional funds to be proposed in FY 08-09 budget (Parks and Recreation);
- 6.8 Authorized entering into a contract with Biohabitats, Inc. for engineering design services regarding Cove Springs and Penitentiary Branch – Stream Restoration Project through the Kentucky Department of Fish and Wildlife Resources under Professional Services, and designating the Mayor to execute all documents pertaining to this agreement; contract is not to exceed \$191,000; funds for the contract are available in the Kentucky Fish and Wildlife Resources Stream Mitigation Grant (Parks and Recreation);
- 6.9 Authorized the purchase of five DV-1 Overhead Video In-Car Systems for police cruisers from Watch Guard for \$22,890 under Kentucky State Price Contract No. 758 07000019251; funds available under the State Homeland Security grant the City received February 2008 (Police Department);
- 6.10 Authorized approval of the lowest bid of \$6,900 for demolition of 405 Owenton Avenue and to execute the Memorandum of Agreement with John Feshal, Jr.; funds available in Account No. 100.70.53295 and 100.70.53265 (Planning and Building Codes);
- 6.11 Moved for consideration under Old Business
- 6.12 Authorized the filing of a Grant Agreement between the City of Frankfort and the Governor's Office of Energy Policy for the addition of solar water heaters at Fire Stations No. 1 (315 W. Second Street) and No. 4 (900 E. Main Street), and designated the Mayor to execute all grant documents pertaining to this application; grant amount is estimated to be \$8,500.00; cost of installation and monitoring system performance is estimated to be \$20,500.00; City's match will be approximately \$12,000, available in Account No. 100.95.53295 (Fire Department and Grants Manager);

- 6.13 Authorized funding of the transfer of current E911 premise equipment to the new Public Safety Building, and add new equipment and software licensing for two additional Dispatch positions; vendor that originally provided and currently maintains this equipment to be responsible for this requirement; total cost to complete the transition and expansion is \$124,765.00, to be paid with E911 funds in Account No. 590.00.51100 (Communications);
- 6.14 Authorized entering into an agreement regarding Ground Lease between the City of Frankfort and Global Tower, LLC (Alaska Native Broadband had assigned its lease with City of Frankfort to Global Tower, LLC); Global Tower, LLC to pay City \$16,800 per year (City Attorney);
- 6.15 Authorized the Mayor to sign a Contract with Kentucky State University (KSU) allowing use of excess equipment at the Wastewater Treatment Plant (WWTP) for use by the KSU Aquaculture Research Center (ARC); KSU to pay the City an amount of \$1,000 this year to offset the cost of utilities to operate the tanks and other miscellaneous costs (Sewer Department);
- 6.16 Authorized the Mayor to sign a contract with Aquila International, Inc. allowing use of excess equipment at the Wastewater Treatment Plant for a program to grow fish fry and harvest juvenile fish; this contract is an extension of current agreement with KSU; contract to be for one-year; Aquila to pay the City \$1,500 this year to offset the cost of utilities to operate the tanks and other miscellaneous costs (Sewer Department);
- 6.17 Authorized an application for Federal Highway Traffic Safety Grant funds and authorized the Mayor to sign all grant-related documents; grant to be used to plan and execute a comprehensive traffic safety program to reduce the number of traffic fatalities and injuries; the Police Department to be reimbursed for manpower overtime and use of equipment while participating in this program; total request for 2009 not to exceed \$150,000 (Police Department);
- 6.18 Authorized granting a private lateral easement to Anna Cox and Michael T. Greenwell, 721 Brawner Avenue, Frankfort, Kentucky across the city-owned lots located at 722 Wilson Street and 723-725 Major Street (Sewer Department);
- 6.19 Approved a contract with M&W, LLC to be the owner of the Restaurant & Retail Center Parcels K-1, L-1, K-2, and L-2 located at 141 Jett Boulevard in Frankfort, Franklin County, Kentucky which is zoned for commercial development of one lot, with improvements including 2 new manholes, 221 feet of 8-inch SDR 35 pipe; Patrick Madden, as Member of M&W, LLC, a Kentucky limited liability company, signed the contract; final acceptance by Kentucky Division of Water contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.20 Approved a contract with Capital Day School Corporation as owner of Capital Day School located on Sower Boulevard in Frankfort, Franklin County, Kentucky which is zoned for commercial development of one lot, with improvements including 1 duplex, 4R Myers private pump station and 1,800 feet of 4-inch private force main; Barbara Stone, Vice President of Capital Day School Corporation, signed the contract; final acceptance by Kentucky Division of Water contingent upon completion of the 30-day waiting period for testing after construction is completed (Sewer Department);
- 6.21 Awarded a bid to Cardinal Office Systems for a window shading system for the Public Safety Building; low bid amount of \$33,175 is within the furniture allowance allocated in the project's budget; funds available from bond issue proceeds (City Manager);
- 6.22 Authorized Change Order No. 2 to James W. Fowler Company to construct a 48" Storm Sewer by Micro tunneling Project – Contract III-1A of Holmes Street Sewer Separation Project; Change Order #2 consists of project deducts for actual field measured quantities and a deduct for omitting all surface and utility monitoring points; total deduct amount of \$116,170.80, adjusting total contract price to \$3,324,389.20 (Public Works and Sewer Departments);
- 6.23 Authorized the filing of an application for a 2008 Urban and Community Forestry Grant to update the Urban Forestry Management Plan and the City's Tree Ordinance, and to authorize the Mayor to sign all grant-related documents; grant request of \$8,000, with local cash match of \$5,000 and in-kind match of \$3,000, for a total project cost of \$16,000; City's \$5,000.00 cash match, available in the Cove Springs (640) account and \$3,000.00 of in-kind labor to be provided by staff and Urban Forestry Advisory Board members (Parks and Recreation);
- 6.24 Approved 90-day option to purchase contract with Steven R. Graves for lot 5D, Flynn Avenue in the Carpenter Farm in the amount of \$288,700, with payment for the option of \$2,500 (City Solicitor);
- 6.25 Approved an agreement regarding the Deed of Conveyance between the City of Frankfort and Moss and Lollis for purchase of property at the corner of Schenkel Lane and Wilhinson Street Bypass in order to have access to its sewer line in the Schenkel cave for maintenance and construction purposes; purchase price of the property is \$67,200; funds available in Sewer Replacement Account No. 300.68.56550 (City Solicitor and Sewer Department);
- 6.26 Authorized the following personnel actions:
 - Appointment of Joshua L. Clark, effective 4-29-08, to position of Telecommunicator (Communications)
 - Appointment of Harold F. Moore, effective 4-29-08, to position of Administrative Specialist (Finance)
 - Confirmation of David M. Ingle, effective 3-13-08, to position of Patrol Officer I
 - Confirmation of Kenneth Keith, effective 4-24-08, to position of Patrol Officer I
 - Retirement of Ronnie Downey, effective 4-30-08, and authorize payment of all accrued time as of effective date (Public Works)

It was moved by Commissioner Carter, seconded by Commissioner Howard, that the Consent Agenda be approved. All members being present, the motion to approve the consent agenda was adopted without objection.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the Mayor's recommendation to reappoint Kristopher Shera to the Board of Park Commissioners for a term ending 5-1-12; to reappoint Rodney T. Gross, III to the Board of Park Commissioners for a term ending 5-1-12; to appoint Michael Turner to the Board of Zoning Adjustments for a vacant term ending 7-1-10; to reappoint Rebecca Bishop to the Forestry Advisory Board for a term ending 5-8-11; to reappoint Kim Cowherd to the Forestry Advisory Board for a term ending 5-8-11; to reappoint Marie Alagia Cull to the Forestry Advisory Board for a term ending 5-8-11; and to reappoint Paula Murphy to the Forestry Advisory Board for a term ending 5-8-11, be approved. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Following discussion and citizen comments from Chris Miller and Roger Stapleton, it was moved by Commissioner Howard, seconded by Commissioner Bowers, that Consent Item 6.11, to authorize approval of the lowest bid for demolition of 311 West Third Street and execute the Memorandum of Agreement, be passed over until the May 19 Board of Commissioners meeting, and request the lienholder and property owner be contacted to present information on plans for the property at that meeting. Discussion followed. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted.

Commissioner Bowers reported on the recycling survey currently underway by KSU staff, students and city staff. At Commissioner Bowers' request, Public Works Director Jeff Hackbart reported on recycling of plastics. Discussion followed.

Commissioner Bowers commented regarding the City becoming a member of the Climate Community Coalition. Following discussion and without objection, City staff to look into becoming a Climate Community. Additionally, a full report from the Energy Task Force to be presented at the May work session.

Commissioner Bowers commented concerning water rate setting by the Frankfort Plant Board.

Following discussion, it was moved by Commissioner Howard, seconded by Commissioner Bowers, to authorize a lease agreement for the Paul Sawyer Library Building to Good Shepherd School through June 17, 2008. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Carter, seconded by Commissioner Bowers, to authorize a contract award and enter into an agreement with Geoffrey B. Greenawalt for Legal Services relating to the HOME Holmes Street Rehabilitation Project. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Carter, seconded by Commissioner Bowers, to grant authorization to award a contract and enter into an agreement with Environmental Concerns, Inc. to conduct Asbestos Inspections for the HOME Holmes Street Rehabilitation Project. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Howard, seconded by Commissioner Carter, to grant authorization to award a contract and enter into an agreement with Carroll Engineering to conduct Land Surveying for the HOME Holmes Street Rehabilitation Project. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Howard, seconded by Commissioner Carter, that the Board consider permitting a tax moratorium on properties involved in the Holmes Street Rehabilitation Project for a period of time until the completion of the grant program. Following discussion, the motion was withdrawn, and staff was directed to explore whether this suggestion is feasible or permissible under the grant.

Commissioner Howard discussed the possibility of providing Wi Fi accessibility in the downtown area and creating a Tax Increment Financing District. Following discussion, and comments from IT Director Julsun Pacheco, staff to investigate this issue further.

Citizen Comments

Dale Wethington commented regarding the business license and net profits tax on newspaper carriers. Discussion followed. Squire Jill Robinson commented regarding creation of stormwater utility, and reported on the Franklin County Women’s Shelter.

Commissioner Comments

Comments were made by Commissioners Bowers, Carter, and Howard.

It was moved by Commissioner Carter, seconded by Commissioner Howard, that the meeting adjourn. The question was put upon the motion and the roll called. Voting in favor of the motion were Commissioners Bowers, Carter, Howard and Williams, and Mayor May (5). Voting against the motion were none (0). The motion was thereupon adopted and the meeting adjourned at 7:34 p.m.

Mayor

Attest:

City Clerk